

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

JAMES LANDERO and JULIE LANDERO,)	
)	
Plaintiffs,)	
)	
v.)	
)	
LIBERTY INSURANCE CORPORATION)	
and AARON MOYERS,)	
)	
Defendants.)	Civil Action No. 1:16-CV-008-C

ORDER

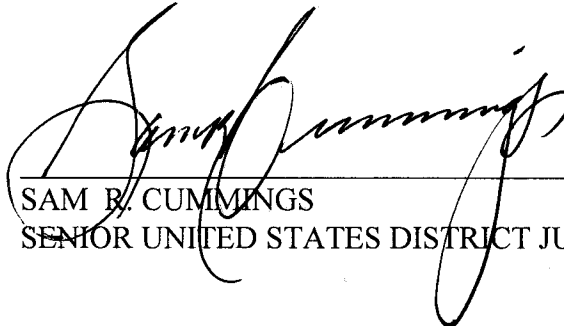
Plaintiffs, James Landero and Julie Landero, brought this case against Defendants, Liberty Insurance Company and Aaron Moyers, in state court on November 18, 2015. Defendants removed to this Court on January 15, 2016, and the case was referred to the United States Magistrate Judge for, among other things, a report and recommendation on Plaintiffs' motion to remand. The United States Magistrate Judge entered a Report and Recommendation on June 15, 2016, recommending that the case be remanded. Neither party has filed written objections. Because a motion to remand is a dispositive matter involving the Court's subject-matter jurisdiction, the undersigned conducted a *de novo* review. *Davidson v. Georgia-Pacific, L.L.C.*, 819 F.3d 758, 765 (5th Cir. 2016).

The Magistrate Judge recommended that Plaintiff's motion to remand be granted after concluding that Defendants had not met their heavy burden of demonstrating that Moyers was improperly joined. After conducting a *de novo* review, the undersigned agrees with that conclusion. The Court is of the opinion that, given the specific factual allegations against

Moyers in the pleadings, there is a reasonable possibility that Plaintiffs may recover against him in state court. Therefore, the Court cannot say that Moyers has been improperly joined, and his inclusion as a party clearly defeats federal diversity jurisdiction. *See Denley Grp., L.L.C. v. Safeco Ins. Co. of Ind.*, No. 3:15-CV-1183-B, 2015 WL 5836226, at *4 (N.D. Tex. Sept. 30, 2015).

It is, therefore, **ORDERED** that the findings and conclusions in the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court, and Plaintiffs' Motion to Remand is **GRANTED**. The above-styled and -numbered civil action is **REMANDED** to the 42nd Judicial District Court of Callahan County, Texas, from which it was removed. The Clerk of this Court shall mail a certified copy of this order to the District Clerk of Callahan County, Texas.

Dated this 13th day of July, 2016.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE